

## CHAPTER 78

## PERSONAL RESPONSIBILITY EDUCATION PROGRAM AND TITLE V STATE SEXUAL RISK AVOIDANCE EDUCATION GRANT PROGRAM FUNDING AND RESTRICTIONS

**641—78.1(88GA, HF766) Purpose.** The purpose of this chapter is to set forth guidelines and limitations for the use of funds from the Personal Responsibility Education Program (PREP) and the Title V State Sexual Risk Avoidance Education Grant Program (SRAE).

[ARC 6269C, IAB 4/6/22, effective 5/11/22]

**641—78.2(88GA, HF766) Definitions.**

“*Administer*” means to implement PREP or SRAE through contracts entered into by the department and selected private, governmental, and nonprofit organizations to provide programming directly to youth participants. “Administer” does not mean the evaluation of PREP or SRAE or the management of federal performance measures data collection for PREP or SRAE programming. “Administer” also does not mean providing training and technical assistance.

“*Affiliate*” means a business, corporate, or financial relationship in which an entity is controlled by or under common control with an entity that performs or promotes abortions.

“*Department*” means the Iowa department of public health.

“*Nonprofit health care delivery system*” means an Iowa nonprofit corporation that controls, directly or indirectly, a regional health care network consisting of hospital facilities and various ambulatory and clinic locations that provide a range of primary, secondary, and tertiary inpatient, outpatient, and physician services.

“*PREP*” means the Personal Responsibility Education Program as specified in 42 U.S.C. Section 713.

“*Regularly*” means recurring, routine, and conducted in conformity with established or prescribed rules or policy.

“*SRAE*” means the Sexual Risk Avoidance Education Grant Program authorized pursuant to Section 510 of Title V of the federal Social Security Act, 42 U.S.C. Section 710 as amended by Section 50502 of the federal Bipartisan Budget Act of 2018, Public Law 115-123, and as further amended by Division S, Title VII, Section 701 of the federal Consolidated Appropriations Act of 2018, Public Law 115-141.

[ARC 6269C, IAB 4/6/22, effective 5/11/22]

**641—78.3(88GA, HF766) Distribution of grant funds.** Distribution of grant funds shall be made in a manner that continues access to PREP and SRAE programming.

**78.3(1) Priority.** The department shall distribute all grant funds received to eligible private, governmental, and nonprofit organizations or agencies that are able to deliver services to a county or counties as defined and prioritized by the department.

**78.3(2) Funds restrictions—abortion.**

*a.* Any contract entered into on or after July 1, 2019, by the department to administer PREP or SRAE shall exclude as an eligible applicant any applicant entity that performs abortions, promotes abortions, maintains or operates a facility where abortions are performed or promoted, contracts or subcontracts with an entity that performs or promotes abortions, becomes or continues to be an affiliate of any entity that performs or promotes abortions, or regularly makes referrals to an entity that provides or promotes abortions or maintains or operates a facility where abortions are performed.

*b.* This prohibition shall not be interpreted to include a nonpublic entity that is a distinct location of a nonprofit health care delivery system, if the distinct location provides programming through PREP or SRAE but does not perform abortions or maintain or operate a facility where abortions are performed.

*c.* For the purposes of these rules, “abortion” does not include any of the following:

(1) The treatment of a woman for a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death.

(2) The treatment of a woman for a spontaneous abortion, commonly known as a miscarriage, when not all of the products of human conception are expelled.

**78.3(3)** *Distinct provider identification number and attestation.*

*a.* Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules shall be assigned a unique identification number by the department.

*b.* Each distinct location of a nonprofit health care delivery system receiving funds from the department under these rules to administer PREP or SRAE shall provide to the department, on forms provided by the department, a signed attestation that abortions are not performed at the distinct location. The attestation will be completed annually during the application process.

[ARC 6269C, IAB 4/6/22, effective 5/11/22]

These rules are intended to implement 2019 Iowa Acts, House File 766, section 99.

[Filed ARC 6269C (Notice ARC 6160C, IAB 1/26/22), IAB 4/6/22, effective 5/11/22]